

FILED
UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

CLERK, U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

9/11/07

'07 MJ 2640

UNITED STATES OF AMERICA,

Mag. Case Number: _____

BY:

Plaintiff,

COMPLAINT FOR VIOLATION OF

v.

Title 21, U.S.C., Sections 952 and 960
 Importation of a Controlled Substance


ARAIZA, Carlos Manuel

AKA ARAIZA-Marquez, Carlos Manuel

The undersigned complaint being duly sworn states:

On or about November 9, 2007 within the Southern District of California, Carlos Manuel ARAIZA AKA Carlos Manuel ARAIZA-Marquez, did knowingly and intentionally import approximately 1.15 kilograms of cocaine, a schedule II narcotic, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT
 SPECIAL AGENT JEFFREY R ROBERTS
 U.S. IMMIGRATION & CUSTOMS ENFORCEMENT

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 13th DAY OF

November


 MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On November 9, 2007 at approximately 1:25 p.m., Carlos Manuel ARAIZA AKA Carlos Manuel ARAIZA-Marquez entered the United States on foot from the Republic of Mexico through the San Ysidro, California, Port of Entry Pedestrian Primary.

At the time of entry, Customs and Border Protection Officer (CBPO) Jacinto Garcia questioned ARAIZA and noticed that ARAIZA was wearing a loose fitting jacket. CBPO Garcia instructed ARAIZA to lift his jacket up and turn around. As ARAIZA turned, CBPO Garcia noticed a bulge in the small of ARAIZA's lower back. ARAIZA was handcuffed and escorted to the Security Office at the San Ysidro Port of Entry. A more thorough search of ARAIZA's person revealed one (1) package secured with cellophane in the small of his back. This package contained approximately 1.15 kilograms (2.30 pounds) of a substance that field tested positive for cocaine.

On November 9, 2007 at approximately 4:32 p.m., Immigration and Customs Enforcement (ICE) Special Agent (S/A) Jeffrey Roberts and CBPO Rosalia Ramirez contacted ARAIZA and told him that he was under arrest for attempting to smuggle narcotics into the United States. After CBPO Ramirez read ARAIZA his constitutional rights, per Miranda, in the Spanish language, ARAIZA waived his rights and agreed to make a statement. ARAIZA stated that he was not employed and that a friend of his named Jorge asked him to smuggle the package of drugs across the border. ARAIZA explained that he knew the package contained drugs but not what kind of drugs. ARAIZA secured the package of drugs to his back with cellophane wrap earlier that day

1 at his grandmother's house in Tijuana, Mexico. ARAIZA said that he had been told to
2 take the package to the trolley stop just outside the San Ysidro Port of Entry after
3 crossing the border where he would be contacted by an unidentified male. ARAIZA said
4 that he was to be paid \$500 dollars in United States currency to complete the act.

5
6 Carlos Manuel ARAIZA AKA Carlos Manuel ARAIZA-Marquez was arrested and
7 charged with violation of Title 21 USC 952, 960, Importation of a Controlled Substance,
8 and subsequently booked into the Metropolitan Correctional Center, San Diego, CA.
9

10
11 Executed on November 9, 2007

12 
13

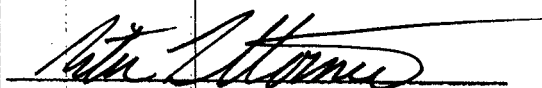
14 Special Agent Jeffrey R Roberts

15 U.S. Immigration and Customs Enforcement
16

17 U.S. vs ARAIZA

18 U.S. Immigration and Customs Enforcement
19

20 On the basis of the facts presented in the probable cause statement consisting of
21 2 pages, I find probable cause to believe that the defendant named in this probable
22 cause statement committed the offense on November 9, 2007, in violation of Title 21,
23 United States Code, Section(s) 952 & 960.
24

25 
26

27 United States Magistrate Judge

11-10-07 a 3:30pm

28 Date/Time